

United States District Court

District of Massachusetts

RICHARD W. DUGGAN,
Plaintiff,

v.

JOHN POTTER, POSTMASTER
GENERAL, ET AL.,
Defendants

Civil Action No. 04-11116-DPW

Plaintiff's Request for Motion to Compel, and Request for Sanctions


The Plaintiff mailed via first class mail a motion to compel to the court on July 1, 2005. In that motion he identified an area where the defendant failed to provide copies of all documents held by the defendant. The plaintiff stated he would provide a copy of the transcripts from the deposition.

Enclosed are pages 28, 29 & 30 of Mr. Frank Neri's deposition. I have marked with an asterisk the area of the deposition, pg 29, line 3 & 4 where Mr. Neri states: "**I would have to refer to my notes to determine the specifics of that.**"

The plaintiff mailed the defendant the Plaintiff's first set of interrogatories and request for Production of Documents on February 28, 2005. The defendant provided his initial response to the first set of interrogatories and request for production of documents response on April 14, 2005 and a supplemental response on June 1, 2005. The notes referred to by Mr. Neri were not provided to the defendant.

The Plaintiff requests that the following sanction be granted: That the defendant be prohibited from including any information regarding any issue involving the Medical Unit that Mr. Neri considered in his decision to remove the Plaintiff from his position and subsequent assignment to a training program. Any testimony received from the Defendant must not include any reference to any events relating to the medical unit or any alleged occurrence/s.

Submitted,


Richard W. Duggan
Plaintiff
103 Oak Lane #6
Brockton, MA 02301
508 857 3792


July 13, 2005

Certificate Of Service

I certify that on this day a true copy of the Plaintiff's Motion to compel & Request for Sanctions was served by first class mail, postage prepaid, upon the defendant's representative at the following address:

Chris Donato
Assistant U.S. Attorney
U.S. Attorney's Office
John Joseph Moakley Courthouse
1 Courthouse Way Suite 9200
Boston, Ma 02201

Dated: July 13, 2005


Richard W. Duggan, Plaintiff